



PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2003-00597-SDM

Comment Period: April 21, 2003 through May 20, 2003

Applicant

Mr. John Sutherland
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AGENT

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Location

In the Santa Rosa Wash at (Sections 27 & 34, T4S, R3E), Maricopa, Pinal County, Arizona.

Activity

To channelize and construct two grade control structures and bank protection of approximately 1,100 feet of the west bank for flood protection for the proposed Alterra residential subdivision. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to sallie.mcguire@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2003-00597-SDM)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1939**

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- The project area was surveyed for the presence of cultural resources in March 2003. No sites were identified that are eligible for listing on the National Register of Historic Places. This review constitutes the extent of cultural resources investigations by the District Engineer.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

To excavate of the channel bottom for proposed drop structures and channel improvements and to install erosion protection on the west bank for approximately 1,100 feet upstream of the Union Pacific Railroad bridge. Erosion protection is required along the west bank due to high flow velocities. Grade control structures will consist of rock-filled wire baskets; approximately 700 cubic yards. Erosion protection will be articulating concrete revetment blocks placed on surface of the west bank. Approximately 100,000 square feet of concrete blocks will be required. The total impacted area is 1.06 acres of the Santa Rosa Wash, which is an ephemeral watercourse. The total jurisdictional area within the proposed project area is 1.46 acres. The purpose of the project is to provide flood protection for the proposed Alterra residential subdivision located to the west of the project area.

Proposed Special Conditions

To be developed.

For additional information please call Sallie D. McGuire at (602) 640-5385 x 221. This public notice is issued by the Chief, Regulatory Branch.